

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

3:15-CR-30021-RAL

Plaintiff,

vs.

**JOINDER OF RESPONSE TO MOTION
TO RELEASE INMATE (DOCUMENT 102)**

GRAHAM GARNOS,

Defendant.

Jack Gunvordahl of Gunvordahl & Gunvordahl, Attorneys at Law, PO Box 352, Burke, SD 57523, representing Judith Huitink, Temporary Conservator and Guardian for Graham Garnos and Steven K. Huff of Johnson, Miner, Marlow, Woodward & Huff, Prof. LLC, POBox667, Yankton, SD 57078, representing First Dakota National Bank, and hereby join the response of Plaintiff to Defendant's motion to release inmate (Doc. 102). This motion is based on the following grounds, and for the following reasons:

1. The Defendant, Graham Garnos is currently in custody with the Bureau of Prisons;
2. Graham Garnos is now the ward of permanent Guardian and Conservator, Judith Huitink who was appointed in this capacity on April 26, 2017 and letters of her appointment were issued on May 24, 2017. This order and appointment was not appealed;
3. First Dakota is the ward's bank with a multimillion dollar commercial loan involving three apartment complexes in two states, has standing and a vested interest in making sure that the Permanent Guardian and Conservator continues to assist in the appropriate administration of those assets.
4. First Dakota and the Permanent Guardian and Conservator have previously appeared together in all proceedings as to Mr. Garnos both in federal and state court and have been treated by the courts in both jurisdictions as having standing and vested if not joint or interrelated interests with respect to the physical and financial care of ward Graham A. Garnos.
5. Both First Dakota and the Permanent Guardian and Conservator join the Plaintiff's response to Defendant's motion to release inmate for all reasons stated therein. Unless and until Defendant can be proven to be capable to assist in his own defense

and/or not a danger to himself or others, Defendant should remain in the care of Plaintiff at the Butner, North Carolina FCI.

6. To the extent the Court deems it advisable, First Dakota and the Permanent Guardian and Ward would agree to provide testimony and/or evidence in any further proceedings involving Defendant.

Wherefore the undersigned respectively join Plaintiff's response to Defendant's motion to release inmate.

Dated this 31st day of August, 2017.

/s/ Jack Gunvordahl
Jack Gunvordahl
Gunvordahl & Gunvordahl
PO Box 352
Burke, SD 57523
Telephone: (605) 775-2531
Email: jackgunvordahl@gwtc.net
Attorney for Judith Huitink

/s/ Steven K. Huff
Steven K. Huff
Johnson, Miner, Marlow, Woodward & Huff, Prof. LLC
PO Box 667
200 W. Third St.
Yankton, SD 57078
Telephone: (605)665-5009
Facsimile: (605)665-4788
Email: steve@jmmwh.com
Attorneys for First Dakota National Bank

CERTIFICATE OF SERVICE

The undersigned hereby certifies that true and correct copies of this *Joinder of Response to Motion to Release Inmate* (Doc. 102) on this 31st day of August, 2017, sent to the following named individuals via CM/ECF to:

Meghan N. Dilges
U.S. Attorney's Office
225 S. Pierre St., Ste. 337
Pierre, SD 57501-2489
Meghan.Dilges@usdoj.gov

Aloysius J. Arendt, Esq.
Arendt Law Office
401 E. Sioux Ave., #4
Pierre, SD 57501
al-arendtlaw@qwestoffice.net

/s/ Steven K. Huff

Steven K. Huff
Johnson, Miner, Marlow, Woodward & Huff, Prof. LLC
PO Box 667
200 W. Third St.
Yankton, SD 57078
Telephone: (605)665-5009
Facsimile: (605)665-4788
Email: steve@jmmwh.com
Attorneys for First Dakota National Bank